

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD, PURSUANT TO O.C.G.A. § 22-3-140 AND § 32-3-4 TO OBTAIN NECESSARY PROPERTY INTERESTS IN THE REAL PROPERTY DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID PROPERTY BEING LOCATED IN LAND LOT 21 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, IN THE CITY OF ATLANTA, AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH ACQUIRING ACCESS TO A SEWER EASEMENT IN THE STOCKADE SEWER BASIN FOR THE CITY OF ATLANTA; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, FOR SAID ACQUISITION; TO AUTHORIZE THE ACQUISITION OF TITLE REPORTS, SURVEYS, APPRAISALS AND OTHER ITEMS NECESSARY FOR SAID ACQUISITION; AND FOR OTHER PURPOSES;

WHEREAS, the City of Atlanta (hereinafter "City") maintains sanitary and storm sewer facilities located on the property being located in Land Lot 21 of the 14th District of Fulton County Georgia ("Property"); and

WHEREAS, the City has determined that it is necessary to acquire a sewer easement interest from the property owner in order to acquire necessary interest in an existing storm water line located on the Property, as further described in the legal description and easement plat attached and incorporated herein as Exhibit "A" ("Sewer Easement"); and

WHEREAS, the City is authorized to acquire easement interests pursuant to Section 2-1545, which includes a process of authorizing the Chief Procurement Officer to negotiate with the property owner for the acquisition; and

WHEREAS, state law, O.C.G.A. § 22-3-140, authorizes the use of a Declaration of Taking as a method of condemnation whenever a municipality desires to take private property for municipal sewer system purposes pursuant to the procedure defined in O.C.G.A. § 32-3-1, et seq.; and

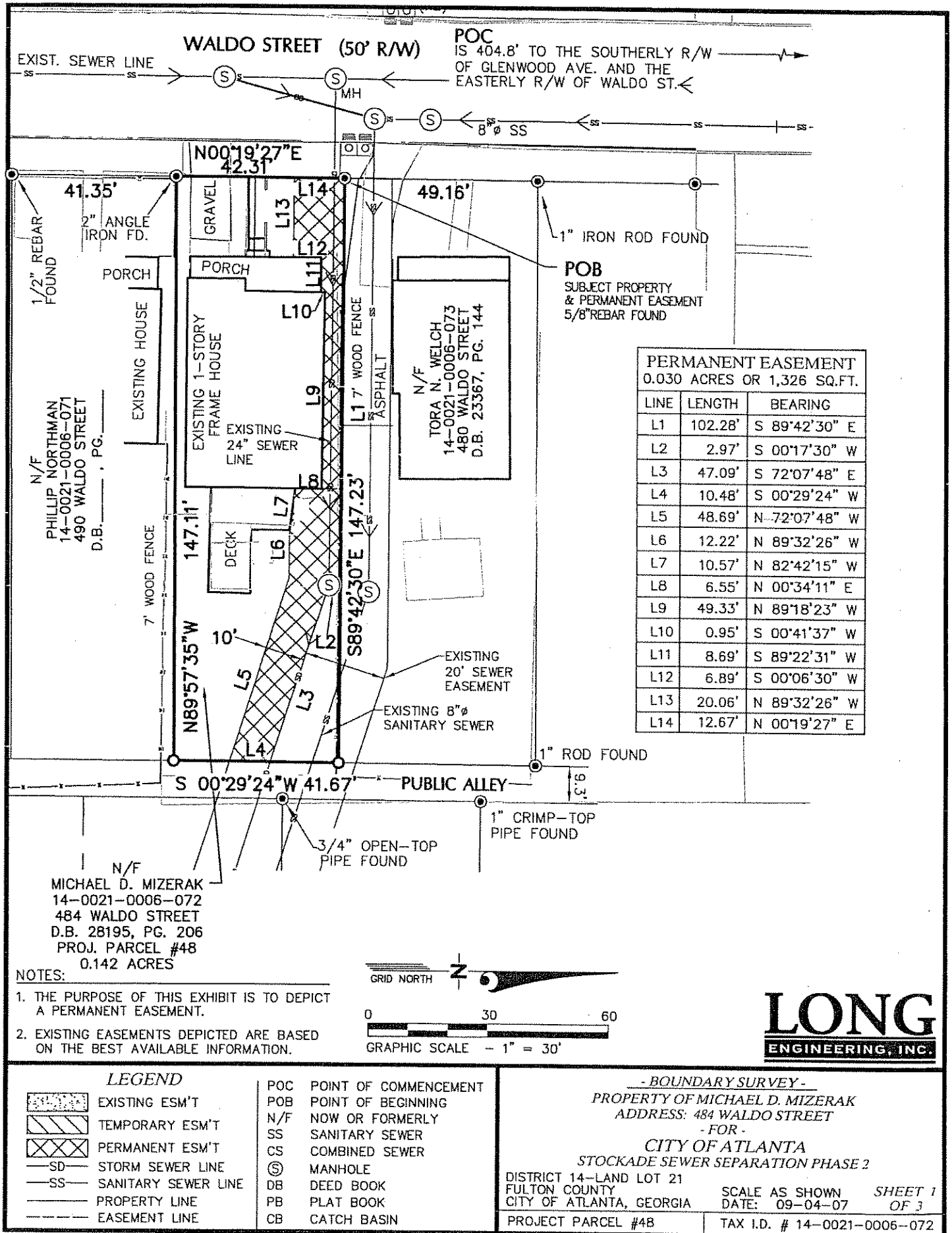
WHEREAS, the use of a declaration of taking as a method of condemnation is necessary to acquire the Easement in order to ensure that the City is not required to remove its facilities, pursuant to an outstanding order of the court of the Superior Court of Fulton County; and

WHEREAS, time is of the essence for the acquisition of these easements for the Property identified herein, provided, however, if the property owner accepts the appraised value of the Sewer Easement, said acquisition may be accomplished through a consensual process; and

WHEREAS, given the circumstances and need to immediately acquire the easement for Subject Property, the City desires to condemn the Property as soon as practicable; and

Section 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Exhibit "A"




NOTES

1. THE FOLLOWING SURVEYS, DRAWINGS, AND DEEDS WERE REVIEWED IN PREPARING THIS SURVEY:
 - A. WARRANTY DEED FROM BRENDA S. HICKS TO MICHAEL DAVID MIZERAK, DATED DECEMBER 3, 1999, RECORDED IN DEED BOOK 28195, PAGE 296, RECORDS OF THE CLERK OF THE SUPERIOR COURT, FULTON COUNTY, GEORGIA.
 - B. PLAT ENTITLED, "JOHN H. DOYLE'S SUBDIVISION OF A PART OF THE W.W. GRIFFIN PROPERTY," FILED FOR RECORDING MARCH 3, 1905, RECORDED IN PLAT BOOK 2, PAGE 47, AFORESAID RECORDS.
 - C. CONDEMNATION PLAT FOR SEWER EASEMENT AT 484 WALDO STREET, DATED JUNE 9, 2005, REVISED DECEMBER 13, 2005 RECORDED IN DEED BOOK 42018, PAGE 610, AFORESAID RECORDS.
2. ALL OTHER REFERENCES ARE SHOWN HEREON.
3. ALL VISIBLE IMPROVEMENTS AND UTILITIES ON THE SUBJECT PROPERTY ARE SHOWN HEREON.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON VISIBLE STRUCTURES AND MAPS, AND ARE APPROXIMATE ONLY. THE PROPERTY SHOWN HEREON MAY BE SERVED BY UNDERGROUND UTILITIES WHICH ARE NOT SHOWN HEREON. ALL UTILITY COMPANIES SHOULD BE CONTACTED BEFORE BEGINNING ANY DESIGN OR CONSTRUCTION.
5. BASIS OF HORIZONTAL DATUM IS GEORGIA STATE PLANE GRID NORTH, WEST ZONE, 1983 NORTH AMERICAN DATUM (NAD '83).
6. THE DATE OF FIELD WORK FOR THIS SURVEY IS FEBRUARY 15, 2005.
7. THIS PLAT HAS BEEN CALCULATED FOR PLAT CLOSURE OF BOUNDARY AND FOUND TO HAVE A CLOSURE PRECISION RATIO OF ONE PART IN 70,848.
8. THE FIELD DATA OBTAINED FOR THIS SURVEY HAS A TRAVERSE CLOSURE PRECISION RATIO OF ONE PART IN 48,158 WITH AN AVERAGE ANGULAR ERROR LESS THAN 01 SECOND PER TRAVERSE STATION, AND WAS ADJUSTED USING A DERIVATIVE OF THE LEAST SQUARES METHOD.
9. EQUIPMENT USED TO OBTAIN FIELD DATA FOR THIS SURVEY INCLUDES:
TOPCON GTS-313 TOTAL STATION
PSION WORKABOUT DATA COLLECTOR
10. EXISTING EASEMENTS DEPICTED ARE BASED ON THE BEST AVAILABLE INFORMATION, AND NO TITLE DOCUMENTS WERE PROVIDED TO THIS SURVEYOR NOR WAS A TITLE SEARCH PERFORMED BY THIS SURVEYOR FOR ADDITIONAL DOCUMENTS OF ANY ADDITIONAL EASEMENTS WHICH MAY AFFECT THIS PROPERTY.
11. THE PURPOSE OF THIS PLAT IS ALSO TO DEPICT A PERMANENT EASEMENT.

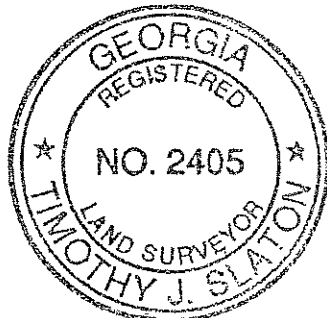
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD REQUIREMENTS OF GEORGIA LAW.

 09-06-07
DATE

TIMOTHY J. SLATON
GEORGIA REGISTERED LAND SURVEYOR
GEORGIA REGISTRATION NUMBER 2405

1780 CORPORATE DRIVE, SUITE 400
NORCROSS, GEORGIA 30093
PHONE: 770-931-8005



LONG
ENGINEERING, INC.

- BOUNDARY SURVEY -
PROPERTY OF MICHAEL D. MIZERAK
ADDRESS: 484 WALDO STREET
- FOR -
CITY OF ATLANTA
STOCKADE SEWER SEPARATION PHASE 2
DISTRICT 14-LAND LOT 21
FULTON COUNTY
CITY OF ATLANTA, GEORGIA
SCALE AS SHOWN
DATE: 9-04-07
SHEET 2
OF 3
PROJECT PARCEL #48
TAX I.D. # 14-0021-0006-072

LEGAL DESCRIPTION

TAX PARCEL ID NO. 14-0021-0006-072
PROJECT PARCEL #48

CITY OF ATLANTA
SEWER EASEMENT
CROSSING THE PROPERTY OF
MICHAEL D. MIZERAK
484 WALDO STREET
CITY OF ATLANTA
FULTON COUNTY, GEORGIA

SUBJECT PROPERTY

ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOT 21 OF THE 14TH DISTRICT OF FULTON COUNTY, CITY OF ATLANTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF WALDO STREET (50 FOOT RIGHT-OF-WAY) WITH THE SOUTHERLY RIGHT-OF-WAY OF GLENWOOD AVENUE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING THE POINT OF COMMENCEMENT;

THENCE PROCEED 404.8 FEET SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY OF WALDO STREET TO A FIVE-EIGHTHS INCH REINFORCING BAR AT THE NORTHWEST CORNER OF PROPERTY WHOSE STREET ADDRESS IS 484 WALDO STREET ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN ATLANTA, GEORGIA, SAID POINT BEING THE POINT OF BEGINNING;

THE POINT OF BEGINNING THUS ESTABLISHED, THENCE DEPART SAID EAST RIGHT-OF-WAY OF WALDO STREET ALONG THE PROPERTY LINE OF PROPERTIES NOW OR FORMERLY OWNED BY TORA N. WELCH AND MICHAEL D. MIZERAK, SOUTH 89 DEGREES 42 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 147.23 FEET TO AN IRON PIN SET ALONG THE WESTERLY EDGE OF A PUBLIC ALLEY;

THENCE ALONG THE WESTERLY EDGE OF AN ALLEY, SOUTH 00 DEGREES 29 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 41.67 FEET TO AN IRON PIN SET ON THE WESTERLY EDGE OF A PUBLIC ALLEY;

THENCE DEPART SAID WESTERLY EDGE OF PUBLIC ALLEY ALONG THE PROPERTY LINE OF PROPERTIES NOW OR FORMERLY OWNED BY PHILLIP NORTHMAN AND MICHAEL D. MIZERAK, NORTH 89 DEGREES 57 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 147.11 FEET TO A TWO INCH ANGLE IRON FOUND ON THE EAST RIGHT-OF-WAY OF WALDO STREET;

THENCE ALONG SAID EAST RIGHT-OF-WAY OF WALDO STREET NORTH 00 DEGREES 19 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 42.31 FEET TO A THE POINT OF BEGINNING.

SAID TRACT CONTAINS AN AREA OF 6,180 SQUARE FEET OR 0.142 ACRES.

PERMANENT SEWER EASEMENT

FROM THE POINT OF BEGINNING OF SUBJECT PROPERTY DESCRIBED ABOVE, THENCE DEPART SAID RIGHT-OF-WAY, SOUTH 89 DEGREES 42 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 102.28 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 17 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 2.97 FEET TO A POINT;
THENCE SOUTH 72 DEGREES 07 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 47.09 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 29 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 10.48 FEET TO A POINT;
THENCE NORTH 72 DEGREES 07 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 48.69 FEET TO A POINT;
THENCE NORTH 89 DEGREES 32 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 12.22 FEET TO A POINT;
THENCE NORTH 82 DEGREES 42 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 10.57 FEET TO A POINT;
THENCE NORTH 00 DEGREES 34 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 6.55 FEET TO A POINT;
THENCE NORTH 89 DEGREES 18 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 49.33 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 41 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 0.95 FEET TO A POINT;
THENCE SOUTH 89 DEGREES 22 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 8.69 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 6.89 FEET TO A POINT;
THENCE NORTH 89 DEGREES 32 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 20.06 FEET TO A POINT

ON THE AFORESAID EASTERLY RIGHT-OF-WAY OF WALDO STREET;

THENCE PROCEED ALONG SAID EASTERLY RIGHT-OF-WAY OF WALDO STREET, NORTH 00 DEGREES 19 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 12.67 FEET TO THE POINT OF BEGINNING;

SAID PERMANENT EASEMENT CONTAINS AN AREA OF 1,326 SQUARE FEET OR 0.030 ACRES.

LONG
ENGINEERING, INC.

- BOUNDARY SURVEY -
PROPERTY OF MICHAEL D. MIZERAK
ADDRESS: 484 WALDO STREET
- FOR -

CITY OF ATLANTA
STOCKADE SEWER SEPARATION PHASE 2

DISTRICT 14-LAND LOT 21
FULTON COUNTY
CITY OF ATLANTA, GEORGIA

SCALE AS SHOWN
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SHEET 3
OF 3

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